

REMARKS

Claims 11-20 and 27-30 are currently pending in the present Application. Claims 1-10 and 21-26 were previously withdrawn by the Examiner and have been cancelled by this Amendment. Additionally, by this Amendment, claim 15 has been cancelled and new claims 31-35 have been added. Accordingly, claims 11-14, 16-20 and 27-35 are currently at issue.

I. Examiner Interview

Examiner Redman conducted a telephonic Interview with Applicant's representative Gregory G. Schlenz on October 21, 2008. In the Interview, pending claims 11 and 16 were discussed with respect to the disclosures of the Sheldon reference. No specific claim amendments were proposed, and no agreement was reached regarding the patentability of the claims.

II. Rejections Under 35 U.S.C. § 103

In the Office Action, claims 11-20 and 27-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,992,907 to Sheldon *et al.* ("Sheldon") in view of U.S. Patent No. 4,229,096 to Bujesc et al. ("Bujesc"). Applicants respectfully traverse the Examiner's rejections in light of the Amendments herein.

A. Claims 11-14, 19, 27, and 29

Claim 11 includes, among other elements, "the actuator being moveable between a locked position, an unlocked position, and a tilttable position, wherein when the actuator is in the locked position the rotor extends outwardly, when the actuator is moved to the unlocked position the rotor is retracted inwardly, and when the actuator is moved to the tilttable position the latch bolt is retracted inwardly by the operable connection between the tilt latch mechanism and the rotor." Sheldon does not disclose, teach, or suggest the above elements of claim 11. As discussed in the Interview, Sheldon discloses two separate mechanisms for the sash locking operation and the retraction of the latch bolts. The sash locking operation of Sheldon is performed by the locking handle (34) and the cam (36). (Sheldon, Col. 4, Lns. 22-31). The retraction of the latch bolts (22) is performed by a tilt latch actuator (50), which includes a shaft

portion (54) and a separate handle (52) for operation of the actuator (50). (Sheldon, Col. 4, Lns. 44-60). Thus, Sheldon does not disclose an actuator that has a locked position, an unlocked position, and a tilttable position as recited in amended claim 11.

Bujese also does not disclose these elements of claim 11. Bujese is directed toward a start mechanism for an electrostatic copier and contains no window-related elements whatsoever. Accordingly, the cited references, either alone or in combination, fail to disclose, teach, or suggest at least these elements of claim 11, and no *prima facie* case of obviousness has been established with respect to claim 11.

Claim 11 also includes, among other elements, “an escutcheon mounted between the actuator and the rotor, the escutcheon having a plate covering the rotor and having a passage receiving a portion of the actuator therethrough to allow the actuator to be operably connected to the rotor, the escutcheon having an indicia positioned on a top surface of the plate, wherein when the actuator is in one of the locked position, unlocked position and tilttable position, a portion of the actuator is aligned with the indicia to provide an indication that the actuator is in the one of the locked position, unlocked position and tilttable position.” The cited references do not disclose, teach, or suggest these elements of claim 11. Sheldon does not disclose these elements, and the Office Action does not assert otherwise. Bujese also does not disclose these elements. The indicia in Bujese is positioned on a moveable disk (56), and not on an escutcheon plate that covers a rotor and separates the rotor from an associated actuator. Additionally, Bujese does not disclose that the indicia provides a position indication by alignment with a portion of the actuator. Rather, Bujese provides an indication by positioning the indicia in a window (58). Accordingly, the cited references, either alone or in combination, fail to disclose, teach, or suggest these additional elements of claim 11, and no *prima facie* case of obviousness has been established with respect to claim 11.

Claims 12-14, 19, 27, and 29 include all the elements of claim 11, and thus, for the same reasons, no *prima facie* case of obviousness has been established with respect to claims 12-14, 19, 27, and 29.

B. Claims 16-18, 20, 28, and 30

Claim 16 includes, among other elements, “the handle being moveable between a locked position, an unlocked position, and a tiltatable position, wherein when the handle is in the locked position the rotor extends outwardly, when the handle is moved to the unlocked position the rotor is retracted inwardly, and when the handle is moved to the tiltatable position the latch bolt is retracted inwardly by the operable connection between the tilt latch mechanism and the rotor.” As similarly described above with respect to claim 11, the mechanism of Sheldon contains separate tilt latch and sash lock mechanisms, and Sheldon does not disclose a handle that is moveable among all three of locked, unlocked, and tiltatable positions, as recited in claim 16. Accordingly, Sheldon does not disclose, teach, or suggest at least these elements of claim 16. As also described above, Bujese does not disclose, teach, or suggest these elements of claim 16. Thus, no *prima facie* case of obviousness has been established with respect to claim 16.

Claim 16 also includes, among other elements, “an escutcheon mounted between the handle and the rotor to cover the rotor, the escutcheon having a passage receiving the stem of the actuator therethrough to allow the stem to be operably connected to the rotor, the escutcheon having a base indicia positioned on a top surface thereof, wherein the first indicia and the base indicia cooperate to provide an indication that the handle is in one of the locked position, the unlocked position and the tiltatable position.” The cited references also do not disclose, teach, or suggest these elements of claim 16. As described above with respect to claim 11, neither of the cited references discloses placing indicia on an escutcheon covering a rotor and separating the rotor from an associated actuator. Additionally, the cited references do not disclose the use of cooperative indicia on the handle and the escutcheon, as recited in claim 16. At most, Bujese discloses indicia on only one element, and does not disclose cooperative indicia on two different elements. Accordingly, the cited references do not disclose, teach, or suggest this additional element of claim 16, and no *prima facie* case of obviousness has been established with respect to claim 16.

Claims 17-18, 20, 28, and 30 include all the elements of claim 16, and thus, for the same reasons, no *prima facie* case of obviousness has been established with respect to claims 17-18, 20, 28, and 30.

III. New Claims

New claims 31-35 have been added to the present application, and Applicant submits that new claims 31-35 are patentable over the cited references, for the reasons briefly summarized below.

Claim 31 recites, among other elements, “the actuator being moveable between a locked position, an unlocked position, and a tiltatable position, wherein when the actuator is in the locked position the locking cam extends out of the housing, when the actuator is moved to the unlocked position the locking cam is retracted into the housing, and when the actuator is moved to the tiltatable position the latch bolt is retracted inwardly by the operable connection between the latch bolt and the rotor.” As described above, neither of the cited references disclose, teach, or suggest this element of claim 31. Thus, claim 31 is patentable over the cited references, for at least these reasons.

Claim 31 also includes, among other elements, “an escutcheon mounted to cover the housing and the rotor, the escutcheon having a passage receiving a portion of the actuator therethrough to allow the actuator to be operably connected to the rotor, the escutcheon having an indicia positioned on a top surface thereof to provide an indication that the actuator is in the one of the locked position, unlocked position and tiltatable position.” The cited references do not disclose, teach, or suggest at least this element of claim 31. Neither of the references discloses placing indicia on an escutcheon that is mounted to cover a housing and rotor and separates the rotor from an associated handle. Additionally, Sheldon does not disclose an escutcheon that is mounted to cover the housing and the rotor, but rather, discloses a single-piece housing. Bujese also does not disclose this element. Thus, claim 31 is patentable over the cited references, for at least these additional reasons.

Claims 32-35 all depend directly or indirectly from claims 11, 16, or 31. Thus, for at least the reasons stated above with respect to claims 11, 16, and 31, new claims 32-35 are patentable over the cited references.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the present rejections and allowance of claims 11-14, 16-20 and 27-30 in the present Application. Applicant also respectfully requests examination and allowance of new claims 31-35 in the present Application. Applicant submits that the Application is in condition for allowance and respectfully requests an early notice of the same.

The Examiner is invited to contact the undersigned with any questions regarding the present Application.

Respectfully submitted,

By:



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